

REMARKS

The Examiner has required a Restriction Requirement between apparatus claims 1-7 and method claims 8-13. Applicant elects to pursue claims 1-7 and has withdrawn claims 8-11. However, Applicant has also amended independent method claim 12 so as to require a disk with vanes rotatable about a vertical axis in response to a water jet from a spaced-apart nozzle. Thus, contrary to the Examiner's statement in paragraph 2 of the Office Action, method claim 12 cannot be practiced by another apparatus, "such as one without a disk mounted on the top wall for rotation about a vertical axis and having a plurality of vanes." Therefore, Applicant respectfully traverses the Restriction Requirement with respect to amended claim 12.

In paragraph 7 of the Office Action, the drawings are objected to because the reference numeral "28" has allegedly been used to designate both racks and disks. Applicant does not understand this objection, since the racks in Figure 1 are designated by the reference numeral 24, and no other racks are designated by the reference numeral 28. Therefore, withdrawal of this objection is respectfully requested.

The drawings have also been objected to since the water nozzles 46, 47 cited at page 3, line 16 of the Specification are not shown in Figure 3. Applicant has amended page 3, line 16 of the Specification to change the reference numerals 46, 47 to --26--, in accordance with Figure 3. Accordingly, withdrawal of this objection to the drawings is respectfully requested.

Paragraph 9 of the Office Action objects to the Specification as failing to provide a description of Figure 1. To the contrary, a brief description of Figure 1 is provided at page 2, lines 14-15, and a detailed description of Figure 1 is provided on page 2, lines 25-29. Accordingly, withdrawal of this objection is respectfully requested.

Claims 1, 3, 4, 6 and 7 have been rejected under 35 U.S.C. § 102 as being anticipated by the German patent DE '214. Claims 1 and 4 have been rejected under 35 U.S.C. § 102 as being anticipated by the European Patent EP '720. Claims 2 and 5 have been rejected under 35 U.S.C. § 103 as being unpatentable over the combination of DE '214 and EP '876.

Applicant respectfully traverses these rejections, and requests reconsideration of the claims, as amended.

Independent claims 1 and 4 have been amended to provide that the disk and water nozzle are spaced apart from one another. This is shown in the drawings in Figures 2-4, and therefore does not constitute new matter. The cited references do not meet this limitation of a spaced apart nozzle and disk.

More particularly, in DE '214, the water nozzle 8 extends into the disk 10, and therefore is not spaced from the disk, as required by claims 1 and 4. Similarly, in EP '720, the disk 12 is mounted on the nozzle 6, as seen in Figure 1, such that these components are not spaced apart, as required by claims 1 and 4.

Therefore, claims 1 and 4 set forth unique structure, operation and results which are not satisfied by the cited references. Accordingly, claims 1 and 4 are in proper form for allowance, along with the claims depending therefrom.

Independent method claim 12 requires the step of directing a water jet from a nozzle in a substantially horizontal path onto vanes of a spaced-apart disk on the top wall of the chamber so as to rotate the disk about a vertical axis. As discussed above with respect to claims 1 and 4, the DE '214 and EP '720 patents do not meet this limitation, since the nozzle and disk are not spaced apart in either of these references. Therefore, claim 12 distinguishes over the references so as to be allowable.

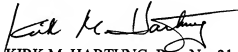
Claims 8-11 have been withdrawn and claim 13 has been cancelled.

In view of the foregoing, Applicant respectfully requests a Notice of Allowance.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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